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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,630	06/24/2003	Joseph B. Augusta	P5087CI	2917
24739	7590	06/05/2006	EXAMINER	
NGUYEN, QUYNH H				
ART UNIT		PAPER NUMBER		
2614				

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/603,630	AGUSTA, JOSEPH B.
	Examiner Quynh H. Nguyen	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on RCE, amendment, and remarks filed 3/16/06.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 29-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 29-36 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's amendment filed 3/16/06 has been entered. Claims 29, 31, 33, and 35 have been amended. No claims have been cancelled. No claims have been added. Claims 29-36 are still pending in this application, with claims 29, 31, 33, and 35 being independent.
3. The terminal disclaimer filed on 3/16/06 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of Patent number 6,584,192 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 112***

4. Claims 30, 32, 34, and 36 recite "selecting an agent with a minimum qualification level from among the agents remaining in contention". It is unclear as to select an agent with a minimum qualification level from the agents remaining from what? Is this step of selecting related to the step of determining in claims 29, 31, 33, and 35, respectively? For the purposes of examining, Examiner interprets the claims as

“selecting an agent with a minimum qualification level from the agents determined to have the best match to service the task”.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 29, 31, 33, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Sassin et al. (U.S. Patent. 6,058,435).

Regarding claims 29 and 31, Sassin et al. disclose a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks, comprising:

in response to a task (col. 7, line 20 - *incoming communication*) to be service, determining a skill set that would be best suited for responding to the task (col. 3, lines 33-36; col. 7, lines 25-36 and lines 56-59);

building a resume table of available agents based upon the skills that they possessed (col. 7, lines 25-35; col. 8, lines 9-11 and lines 57-65);

determining from the resume table of available agents all agents with best match to service the task (col. 8, line 57 through col. 9, line 14);

selecting an agent to service the task from the agents determined to have the best match to service the task (col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5).

Claims 33 and 35 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Sassin et al. teach computer program code embodied in a storage medium for controlling a computer to assign tasks to agents (col. 11, lines 40-67; col. 13, lines 49-60 - *media converter 106, content analyzer 108, content-based router 110*).

#### ***Claim Rejections - 35 USC § 103***

7. Claims 30, 32, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (U.S. Patent. 6,058,435).

Regarding claims 30, 32, 34, and 36, Sassin et al. teaches selecting an agent to service the task from the agents determined to have the best match to service the task (col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5; col. 8, line 66 through col. 9, line 65 - *where Sassin discussed selecting the first agent who is the only agent possesses skill C to handle calls requesting skill A or skill B when there is no transaction requesting skill C*). However, Sassin et al. does not explicitly teach selecting an agent with a minimum qualification level from the agents determined to have the best match to service the task. Selecting an agent with a minimum qualification among the agents is well known in Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents is also well known. For example, if agent A1 speaks English and Spanish and agent A2

speaks only Spanish, a task needs to be serviced is Spanish then one would select agent A2 with a minimum qualification level.

***Response to Arguments***

8. Applicant's arguments with respect to claims 29-36 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 5:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quynh H. Nguyen

Quynh H. Nguyen

May 30, 2006